

PHILLIP A. TALBERT  
United States Attorney  
MICHAEL D. ANDERSON  
Assistant United States Attorney  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
GARY STEPHEN MAYNARD,  
  
Defendant.

CASE NO. 2:21-CR-0224 DAD

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: October 6, 2022  
TIME: 9:30 a.m.  
COURT: Hon. Dale A. Drozd

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order signed by Judge Nunley, this matter was set for status on October 6, 2022. This case was subsequently reassigned to Judge Drozd and there is no date currently set on calendar.

2. By this stipulation, defendant now moves to continue the status conference until November 29, 2022, at 9:30 a.m., and to exclude time between October 6, 2022, and November 29, 2022, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) Discovery associated with this case includes at least 12061 pages of reports, photographs, and other documents. This number of discovery pages also includes pages that are

1 placeholders for electronic data produced in native formats, such as video recordings. All of this  
2 discovery has been either produced directly to counsel and/or made available for inspection and  
3 copying. Current defense counsel, Ms. Labaree, and defense experts have been reviewing the  
4 voluminous discovery, which was provided in a digital format. The government and defense  
5 counsel also previously arranged for an in-person inspection of the defendant's seized vehicle by  
6 a defense investigator, and the government has made available for inspection all other physical  
7 items seized during the investigation. Defense counsel has asked the government clarifying  
8 questions about the discovery production data files and the government has provided answers to  
9 assist the defense team's ongoing review.

10 b) Counsel for defendant, who was on out of the office on leave for several months  
11 earlier this year and returned to the case this summer, desires additional time to review the  
12 voluminous discovery, including reviewing reports, viewing videos and photographs, and  
13 examining other electronic data and documents. In addition, counsel for the defendant desires  
14 additional time to continue to conduct an independent defense investigation of the case,  
15 including review of relevant materials by defense experts.

16 c) Counsel for defendant believes that failure to grant the above-requested  
17 continuance would deny her the reasonable time necessary for effective preparation, taking into  
18 account the exercise of due diligence.

19 d) The government does not object to the continuance.

20 e) Based on the above-stated findings, the ends of justice served by continuing the  
21 case as requested outweigh the interest of the public and the defendant in a trial within the  
22 original date prescribed by the Speedy Trial Act.

23 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
24 et seq., within which trial must commence, the time period of October 6, 2022 to November 29,  
25 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
26 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
27 of the Court's finding that the ends of justice served by taking such action outweigh the best  
28 interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 29, 2022

PHILLIP A. TALBERT  
United States Attorney

/s/ MICHAEL D. ANDERSON  
MICHAEL D. ANDERSON  
Assistant United States Attorney

Dated: September 29, 2022

/s/ HANNAH LABAREE  
HANNAH LABAREE  
Counsel for Defendant  
GARY STEPHEN MAYNARD

**ORDER**

IT IS SO ORDERED.

Dated: September 29, 2022

Dale A. Drozd  
UNITED STATES DISTRICT JUDGE